

REMARKS

REVIEW

The current application sets forth claims 1, 2, 4-11 and 15-24 of which claims 1, 10 and 24 are independent claims. Presently, no claims have been indicated as allowed in view of the prior art.

Presently, claim 3 stands objected to for lacking antecedent basis for a claim term. Further, claims 1, 2, 4, 5, 7-10, 12, 15, 16, and 18 stand collectively rejected under 35 U.S.C. § 103(a) as being unpatentable over Jio (U.S. Patent No. 5,179,768) in view of Bass (U.S. Patent No. 6,264,335).

Claims 3, 14, and 20 stand collectively rejected under 35 U.S.C. § 103(a) as being unpatentable over Jio and Bass in view of Beebe (U.S. Patent No. 5,669,327) and claims 11, 19, and 24 stand collectively rejected under 35 U.S.C. § 103(a) as being unpatentable over Jio and Bass in view of Ryder (U.S. Patent No. 3,685,482).

Still further, claims 1, 2, 4, 6, 9, 10, 12, 15, 17, and 18 stand collectively rejected under 35 U.S.C. § 103(a) as being unpatentable over Hatayan (U.S. Patent No. 4,079,765) in view of Bass. And finally, claims 10 and 21-23 stand collectively rejected under 35 U.S.C. § 103(a) as being unpatentable over Posey (U. S. Patent No. 3,130,463) in view of Bass and Beebe.

CLAIM OBJECTION

It is believed that the present grounds of objection to claim 3 are moot in light of the claim amendments made herein. As such, it is respectfully requested that the Examiner withdraw the present ground of objection.

35 U.S.C. § 103(a) REJECTIONS**Claims 1, 2, 4, 5, 7-10, 12, 15, 16, and 18 as unpatentable over Jio in view of Bass**

It is respectfully submitted that the proposed combination of references merely serves to demonstrate the patentability of the present invention. By relying on an obviousness basis for the present rejection, the Examiner acknowledges that the proposed base reference, Jio, fails to adequately teach each and every element of the claimed invention. Specifically, each of the independent claims specifies the provision of a removable and generally flexible light-reflective material adhered to the outer surfaces of each extension arm of the present invention.

Further, while Jio fails to teach such an element, the proposed secondary reference, Bass, further fails to overcome such shortcoming. The light reflective element of Bass is a rigid plastic element that encompasses “*three-dimensional shapes, such as cubes, pyramids, tetrahedrons, etc., formed or cut, into the plastic material*” to reflect the light. Further, such light-reflective element is “*immovably fastened*” to the clip of Bass.

It is respectfully submitted that the claimed light-reflective material is removable and substantially flexible. Furthermore, the material exists only as a substantially two-dimensional surface for reflection of light as opposed to the “*three-dimensional shapes*” of Bass. As such, the two elements are not proper substitutes for each other and their interactive use as a basis for rejection of claims 1, 2, 4, 5, 7-10, 12, 15, 16, and 18 is improper. Put another way, the presently proposed combination of Jio and Bass teaches away from the invention as presently claimed. Withdrawal of

the present grounds of rejection is respectfully requested. Further, the issuance of a formal Notice of Allowance of such remaining claims is earnestly solicited.

Claims 3, 14, and 20 as unpatentable over Jio and Bass in view of Beebe

As above argued, it is respectfully submitted that the proposed combination of Jio and Bass in view of Beebe teaches away from the present invention as claimed due to its failure to teach each and every element of the claimed invention. As in the above discussion of the Jio-based §103 rejection of claims 1, 2, 4, 5, 7-10, 12, 15, 16, and 18, it is submitted that Beebe fails to solve the shortcomings of the Jio-Bass combination. The light-reflective material disclosed in each independent claim of the present application is not disclosed by Beebe.

Therefore, it is believed that the remaining claims among claims 3, 4, and 20 are in condition for allowance. Withdrawal of the present ground of rejection is respectfully requested and issuance of a formal Notice of Allowance is earnestly solicited.

Claims 11, 19, and 24 as unpatentable over Jio and Bass, further in view of Ryder

It is respectfully submitted, that the proposed secondary reference, Ryder, fails to overcome the failings of the proposed base combination of Jio and Bass as above argued. Jio fails to teach each and every element of the claimed invention (specifically the inclusion of the additional descriptive specifications on the light-reflective material as claimed) and neither of the secondary references, Bass or Ryder, teaches such a claim element

Withdrawal of the present ground of rejection is respectfully requested. Further, issuance of a formal Notice of Allowance is earnestly solicited.

Claims 1, 2, 4, 6, 9, 10, 12, 15, 17, and 18 as unpatentable over Hatayan in view of Bass

As above argued, the proposed base reference, Hatayan, fails to teach each of the claimed elements of the present invention. It is respectfully suggested that the Examiner's reliance on Bass to show such element fails as the cited element of Bass fails to adequately serve as a suitable equivalent to the claimed element of the present invention. Specifically, neither Hatayan nor Bass teaches a removable and substantially flexible light-reflective material adhered to an outer surface of each of the arms of the present invention. The proposed light-reflective element of Bass is both rigid and "*immovably fastened*". As such, Hatayan, Bass, nor the proposed combination of the two references teaches each and every one of the claimed elements of the present invention.

Withdrawal of the present ground of rejection is respectfully requested. Further, issuance of a formal Notice of Allowance is earnestly solicited.

Claims 10 and 21-23 as unpatentable over Posey in view of Bass and Beebe

It is respectfully submitted that the proposed base reference, Posey, fails to teach each of the claimed elements of the present invention. Further, the Examiner's reliance on Bass and/or Beebe to show such element(s) fails as the cited element of Bass fails to adequately serve as a suitable equivalent to the claimed element of the present invention.

Specifically, the present invention teaches a removable and substantially flexible light-reflective material adhered to an outer surface of each of the arms of the present invention. The proposed light-reflective element of Bass is both rigid and “*immovably fastened*”. Additionally, Beebe does not provide any teaching of a light-reflective element but instead teaches the use of a light-reflective paint. Therefore, the proposed combination fails to teach each and every one of the claimed elements of the present invention. As such, the present ground of rejection is believed improper.

Withdrawal of the present ground of rejection is respectfully requested. Further, issuance of a formal Notice of Allowance is earnestly solicited.

CITED RELEVANT PRIOR ART

It is not believed that any of the prior art cited either by the Examiner or the Applicant, alone or in combination either with each other or other cited prior art teaches, discloses, suggests or makes obvious the claimed features of the present invention.

CONCLUSION

In view of the foregoing amendments and comments, Applicants respectfully request withdrawal of all the current grounds of rejection, the single claim objection and further requests the issuance of a formal Notice of Allowance. The Examiner is invited to telephone the undersigned at his convenience should only minor issues remain after consideration of this amendment in order to permit early resolution of the same.

Respectfully submitted,

6/29/05
Date

Charles R Ducker
Charles R. Ducker, Jr.
Reg. No. 46,542

LANIER FORD SHAVER & PAYNE P.C.
Customer Number 021491
P.O. Box 2087
Huntsville, Alabama 35804-2087
Phone: (256) 535-1100
Fax: (256) 533-9322

Certificate of Mailing under 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope address to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 29, 2005.

Charles R Ducker
Signature

Charles R. Ducker, Jr.
Printed Name of Person Signing Certificate